

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

Kia Motors America, Inc.,

Plaintiff,

vs.

Autoworks Distributing; Applegate Supply;  
Wayzata Nissan, LLC, a Minnesota  
corporation; Mark Saliterman, an  
individual dba Wayzata Nissan, LLC,  
Autworks Distributing, and Applegate  
Supply; Jay Schroeder, an individual dba  
Wayzata Nissan, LLC, Autoworks  
Distributing and Applegate Supply; and  
Does 1-10 inclusive,

Defendants.

CASE NO. 0:06-cv-00156-DWF-JJG

**JOINT STIPULATION FOR DISMISSAL  
WITH PREJUDICE PURSUANT TO FRCP  
41 UPON ENTRY OF ORDER VACATING  
AND RENDERING MOOT CERTAIN  
COURT ORDERS**

IT IS HEREBY STIPULATED AND AGREED by and between Plaintiff and Defendants  
through their respective counsel of record:

1. The Parties have reached a settlement of this Action.
2. The Parties have agreed to request the Court to Order the following interlocutory  
orders to be rendered moot and vacated:

- December 7, 2007 Order (ECF 279)
- March 19, 2008 Order (ECF 317)
- May 29, 2008 Order (ECF 336)
- October 17, 2008 Order (ECF 386)
- October 17, 2008 Order (ECF 390)
- January 12, 2009 Order (ECF 447)
- January 21, 2009 Order (ECF 462)
- February 26, 2009 Order (ECF 475)

3. The Parties have agreed that upon entry of an Order vacating and rendering moot all of the aforesaid Orders this Action shall be dismissed with prejudice in its entirety pursuant to Fed. Rule Civ. P. 41(a).

4. The Parties agree that there is no prevailing party in this Action and the Parties shall bear their own costs and attorneys' fees.

DATED: April 1, 2009

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LEWIS BRISBOIS BISGAARD & SMITH LLP

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David N. Makous  
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DATED: April 1, 2009

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